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STIPULATION AND [PROPOSED] ORDER TO
EXTEND CLASS CERTIFICATION DEADLINES

WHEREAS, on August 7, 2020, the Court issued a Case Management Order (ECF No. 117) (“Scheduling Order”) setting class certification deadlines, including a motion filing deadline of March 26, 2021, and an opposition deadline of April 23, 2021;

WHEREAS, Plaintiffs propounded written discovery on Defendant Zoom Video Communications, Inc. on August 28 and December 17, 2020 in the form of Requests for Production of Documents and Interrogatories;

WHEREAS, on September 28, 2020, Zoom timely served its responses and objections to Plaintiffs' document requests, and on February 19, 2021, Zoom timely served its responses and objections to Plaintiffs' interrogatories;

WHEREAS, on February 10, 2021, Plaintiffs propounded a Second Set of Interrogatories on Zoom;

WHEREAS, on December 2, 2020, Zoom propounded written discovery on Plaintiffs in the form of Requests for Production of Documents, Interrogatories, and Requests for Admission (collectively “Requests”);

WHEREAS, on January 19, 2021, Plaintiffs timely served their written responses to Zoom's Requests, the Parties are meeting and conferring with respect to search terms and production scope for Plaintiffs' production, and Plaintiffs anticipate that they will begin producing documents responsive to Zoom's document requests in the coming weeks;

WHEREAS, on February 5, 2021, the Parties submitted a Joint Statement Regarding Discovery Disputes seeking guidance from Magistrate Judge van Keulen on certain issues regarding Zoom’s responses and objections to Plaintiffs’ document requests (ECF No. 150);

WHEREAS, on February 9, 2021, Judge van Keulen issued a Discovery Order, which provided guidance on the specific issues presented, directed the parties to meet and confer, and set a

1 hearing to address any unresolved issues of those presented (ECF No. 152), which took place on
2 February 16, 2021 (ECF No. 153);

3 WHEREAS, guided by Plaintiffs' March 26, 2021 class certification deadline (ECF No. 117),
4 Judge van Keulen imposed a March 5, 2021 deadline for Zoom to complete a rolling production of
5 the documents it had agreed to produce at the time the Parties filed their Joint Statement Regarding
6 Discovery Dispute (ECF No. 152 at 3);

7 WHEREAS, following the February 16 hearing, Judge van Keulen issued a Second Order
8 Regarding Joint Discovery Letter Brief resolving a subset of the discovery disputes initially presented
9 to the Court that were not yet resolved, requiring the Parties to continue meeting and conferring,
10 requiring supplemental briefing if the Parties were not able to resolve the outstanding disputes, and
11 setting a hearing for February 23, 2021 on any such outstanding disputes (ECF No. 154);

12 WHEREAS, the Parties continued meeting and conferring regarding the outstanding
13 discovery disputes presented to date, but filed a supplemental joint brief regarding the outstanding
14 disputes they were unable to resolve on February 18, 2021 (ECF 157);

15 WHEREAS, to date, Zoom has produced approximately 14,335 pages of discovery (2,324
16 documents), which Zoom estimates to be approximately 25% of the documents that Zoom committed
17 to review and produce as of the February 5, 2021 Joint Statement (ECF No. 150);

18 WHEREAS, in addition to the documents that Zoom committed to produce as of the February
19 5, 2021 Joint Statement, and in addition to those that will now be produced in response to Judge Van
20 Keulen's resolution of issues presented to date for her decision, Plaintiffs have asked Zoom to add
21 custodians and search terms beyond those Zoom committed to produce as of the February 5, 2021
22 Joint Statement, which the Parties are still conferring about and may need to present to Judge Van
23 Keulen for resolution;

24 WHEREAS, the Parties believe that a 3-month extension of the deadline for Plaintiffs' filing
25 of a class certification motion, and adjustment of other case schedule deadlines as proposed below, is
26 warranted to allow for sufficient and orderly discovery prior to class certification briefing;

1 WHEREAS, the Parties met and conferred regarding the class certification deadlines set forth
2 in the Scheduling Order, and agree that the schedule should be extended to allow for the completion
3 of discovery pertinent to class certification, including class certification-related expert discovery; and

4 WHEREAS, the Parties submit that additional time for completion of class certification
5 discovery is warranted for the reasons outlined in the Parties' Second Supplemental Joint Case
6 Management Conference Statement (ECF No. 156 at 3-4).

7 NOW THEREFORE, Plaintiffs and Zoom through their respective counsel, pursuant to Civil
8 Local Rule 6-2, and subject to the Court's approval, hereby stipulate that:

9 1. Last day for Zoom to complete rolling production of items it agreed to produce as of
10 the February 5, 2021 Joint Statement (ECF No. 150) is April 9, 2021;

12 2. Last day to file for Plaintiffs to file Motion for Class Certification is June 25, 2021;

13 3. Last day for Zoom to file Opposition to Motion for Class Certification is
14 August 13, 2021;

15 4. Last day for Plaintiffs to file Reply in Support of Class Certification is
16 September 3, 2021;

17 5. Hearing on Motion for Class Certification is set for September 23, 2021 at 1:30 p.m.;
18 and

19 6. The Close of Fact Discovery is October 29, 2021.

20 **IT IS SO STIPULATED.**

21 Respectfully submitted,

22 Dated: February 22, 2021

AHDOOT & WOLFSON, PC

23 By: /s/ Tina Wolfson
Tina Wolfson

25 Dated: February 22, 2021

**COTCHETT, PITRE & MCCARTHY
LLP**

26 By: /s/ Mark Molumphy
Mark C. Molumphy

28 Interim Co-Lead Class Counsel

- 3 -

JOINT STIPULATION AND [PROPOSED] ORDER TO
EXTEND CLASS CERTIFICATION DEADLINES

5:20-cv-02155-LHK

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3 Dated: February 22, 2021
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9 By: /s/ Kathleen R. Hartnett
10 Kathleen R. Hartnett (116127)
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12 Attorneys for Defendant
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14 ZOOM VIDEO COMMUNICATIONS, INC.
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[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: _____

Hon. Lucy H. Koh
United States District Judge

1 **FILER ATTESTATION**

2 I, Theodore Maya, am the ECF user whose identification and password are being used to file
3 this Stipulation. I hereby attest that Kathleen Hartnett, Mark C. Molumphy, and Tina Wolfson has
4 concurred in this filing.

5
6 DATED: February 22, 2021

/s/ Theodore Maya

Theodore Maya

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